

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TIMOTHY CARSON, on behalf of	:	
himself and others similarly situated,	:	
	:	
Plaintiff,	:	FLSA Collective Action
	:	
v.	:	Civil Action No. 07-359 MPT
	:	
ASTRAZENECA PHARMACEUTICALS	:	
LP,	:	
	:	
Defendant.	:	

**JOINT MOTION FOR MODIFICATION OF THE
SEPTEMBER 12, 2007 SCHEDULING ORDER**

Plaintiff Timothy Carson (“Plaintiff”) and Defendant AstraZeneca LP, sued here as AstraZeneca Pharmaceuticals LP (“AstraZeneca”), jointly request that this Court modify the Scheduling Order dated September 12, 2007 (“Scheduling Order”) (D.I. 15). In accordance with Local Rule 7.1.1, the parties aver that they have met and conferred regarding the modifications requested in the instant Joint Motion. Specifically, the parties seek to modify the deadlines for the Rule 30(b)(6) depositions and the deposition of Plaintiff. In addition, the parties seek to extend the deadlines set for briefing by thirty (30) days. In support of this Joint Motion, the parties state as follows:

1. On September 12, 2007, this Court entered a Scheduling Order. The Scheduling Order specifies that the parties will engage in a bifurcated discovery process. (Scheduling Order ¶ 4(a).) The first stage of the discovery process (“Stage 1 discovery”) will relate to certification issues and the merits of Plaintiff’s individual claims. (*Id.*) The final stage of discovery (“Stage 2 discovery”) will relate to merits and damages issues generally and will occur after the Court rules on conditional FLSA certification. (*Id.*)

2. The Scheduling Order further states that Stage 1 discovery shall be initiated so that it will be completed on or before November 21, 2007, with certain exceptions. (*Id.* ¶ 4(d).)

3. In addition, the Scheduling Order sets forth that Plaintiff is required to file his motion for conditional FLSA certification on November 21, 2007, Defendant's opposition brief is due on January 7, 2008, and Plaintiff's reply brief is due on January 21, 2008. The Scheduling Order further states that any motions for summary judgment shall be filed and served no later than January 7, 2008. (*Id.* ¶ 8, 9.)

4. Given the current progress of discovery, the parties find it in the interest of fairness and efficiency to modify certain deadlines set in Scheduling Order. Specifically, the parties seek the following modifications to paragraph 4(d) of the Scheduling Order:

a. By December 21, 2007, Plaintiff may take depositions of corporate witnesses in the manner described in the Stipulation Regarding Plaintiff's Rule 30(b)(6) Depositions ("Stipulation"). Plaintiff has agreed that he will not seek depositions on any additional topics beyond those in the Stipulation.

b. As previously stated in paragraph 4(b) of the Scheduling Order, the parties have agreed that the foregoing Rule 30(b)(6) depositions shall still be considered a part of Stage 1 discovery.

c. Defendants shall take the deposition of Plaintiff by December 21, 2007, and this deposition shall be considered a part of Stage 1 discovery.

5. Given the extension of the deposition deadlines for the depositions described above, the parties also seek modification of the briefing deadlines in the Scheduling Order as follows:

a Paragraph 7 of the Scheduling Order should be modified so that Plaintiff has an additional thirty (30) days, until December 21, 2007, to file his motion for conditional

FLSA certification. Accordingly, Defendant shall have an additional thirty (30) days, until February 6, 2008, to file its opposition brief, and Plaintiff shall have an additional thirty (30) days, until February 20, 2008, to file his reply brief.

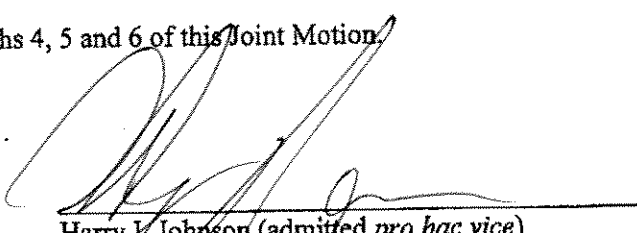
b Furthermore, the parties seek to extend the deadline for summary judgment, as specified in paragraph 8 of the Scheduling Order, by thirty (30) days, until February 7, 2008.

6. Notwithstanding the requested extensions of time, the completion deadline for all other Stage 1 discovery would remain November 21, 2007 as previously stated in paragraph 4(d) of the Scheduling Order.

7. The parties ask that remainder of the Court's Scheduling Order shall be unchanged.

8. Because the requested modifications are in the interest of justice and neither party will be prejudiced by the granting of this Joint Motion, this Court should enter an Order granting the modifications as set forth in paragraphs 4, 5 and 6 of this Joint Motion.

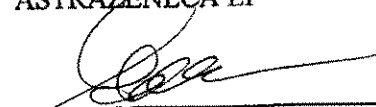
Dated: October 25, 2007



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Dated: October 25, 2007



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TIMOTHY CARSON

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and others similarly situated,	:	
	:	
Plaintiffs,	:	FLSA Collective Action
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	:	
ASTRAZENECA PHARMACEUTICALS	:	
LP,	:	
	:	
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NOTICE OF SERVICE

I, Harry I. Johnson, III, the undersigned counsel for the Defendant in the above-captioned case, hereby certify that a true and correct copy of the *Joint Motion for Modification of the September 12, 2007 Scheduling Order* was sent via U.S. Mail postage pre-paid on October 26, 2007 to the following:

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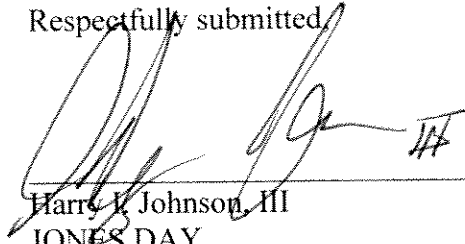
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Dated: October 26, 2007

Respectfully submitted,



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ASTRAZENECA PHARMACEUTICALS LP

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Plaintiff,	:	FLSA Collective Action
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	:	
ASTRAZENECA PHARMACEUTICALS	:	
LP,	:	
	:	
Defendant.	:	

ORDER MODIFYING SEPTEMBER 12, 2007 SCHEDULING ORDER

This _____ day of _____, 2007, upon the parties' Joint Motion for Modification of the Scheduling Order entered on September 12, 2007 ("Scheduling Order") and for good cause shown:

IT IS ORDERED that:

1. Paragraph 4(d) of the Scheduling Order shall be modified as follows:

a. Plaintiff shall take depositions of those corporate witnesses who have been identified in the parties' agreement memorialized in the Stipulation Regarding Plaintiff's Rule 30(b)(6) Depositions ("Stipulation"). The depositions shall be completed on or before December 21, 2007. As stated in paragraph 4(b) of the Scheduling Order, such Rule 30(b)(6) depositions shall be considered a part of Stage 1 discovery.

b. Defendant shall take the deposition of Plaintiff before December 21, 2007, and this deposition shall be considered a part of Stage 1 discovery.

2. Paragraph 7 of the Scheduling Order shall be modified as follows:

Plaintiff shall have an additional thirty (30) days, until December 21, 2007, to file his motion for conditional FLSA certification. Defendant shall have an additional thirty (30) days, until

February 6, 2008, to file its opposition brief. Plaintiff shall have an additional thirty (30) days, until February 20, 2008, to file his reply brief.

3. The deadline for filing a motion for summary judgment, as specified in paragraph 8 of the Scheduling Order, shall be extended by thirty (30) days, until February 7, 2008.

4. Notwithstanding the requested extensions of time, the completion deadline for all other Stage 1 discovery will remain November 21, 2007, as previously stated in paragraph 4(d) of the Scheduling Order.

5. The remainder of the Court's September 12, 2007 Scheduling Order shall remain unchanged.

UNITED STATES MAGISTRATE JUDGE